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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/762,617	03/30/2001	Leslie James Squires	HUN 0004 PA	8494

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EXAMINER	
YAO, SAMCHUAN CUA	

ART UNIT	PAPER NUMBER
1733	

DATE MAILED: 12/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/762,617	SQUIRES ET AL.	
	Examiner	Art Unit	
	Sam Chuan C. Yao	1733	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 December 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *2-14,17-19,21-23,30-35,37-44,46-53,57-61 and 63-90* is/are pending in the application.

4a) Of the above claim(s) *39-44,46-53 and 66-83* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *2-6,8-14,17-19,21-23,30-34,58-61 and 84-90* is/are rejected.

7)☒ Claim(s) *7,35,37,38,57 and 63-65* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102/103

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

   A person shall be entitled to a patent unless -

   (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

   (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 2-6, 8-14,17-19, 21-23, 30-34, 58-61 and 84-90 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Leak et al (US 5,763,041) for reasons of record set forth on prior office actions dated 05-11-04 in numbered paragraph 3.

   As for the newly added claims, the scope of these claims do not substantively differ from previously rejected claims, for the same reasons set forth in the prior office actions, these claims would have been obvious in the art. As for the limitations of *"... interaction between the emboss pattern ... and the lamination pattern ... is made use of or controlled by selecting and differentiating one or more characteristics of the two patterns to control, during lamination, the amount of point mis-registration ..."* (emphasis added; newly added claim 89) **or** *"...*

interaction between the emboss pattern ... and the lamination pattern ... is made use of or controlled by selecting and differentiating one or more characteristics of the two patterns, whereby specific superposition of the emboss pattern with the lamination pattern takes place in the lamination process after selecting and modifying at least one characteristic feature of the pattern to control, during lamination, the amount of point mis-registration between the emboss pattern ... and lamination pattern ..." (emphasis added; newly added claim 90), these limitations are taken to naturally flow from the teachings of Leak et al, because an embossing pattern to a fiber web in a process taught by Leak et al is *"varied"*/different relative to the lamination pattern for the fiber web and a film in terms of at least one of size, bonding density, bonding area and bonding points configuration/arrangement (figures 2-3, figures 7-9 and examples).

Allowable Subject Matter

4. Claims 7, 35, 37-38, 57 and 63-65 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
5. The following is a statement of reasons for the indication of allowable subject matter:

   There is no suggestion in the prior art to perform the limitations recited in these claims in the process taught by Leak et al.

Response to Arguments

Applicant's arguments filed on 12-14-04 have been fully considered but they are not persuasive.

Counsel argued on page 19 that, Leak et al does not describe a method that *"makes use of or controls the amount of point mis-registration ... to avoid the occurrence of visible unlaminated patches in the form of blisters in the resultant laminate"*. Examiner strongly disagrees with Counsel's assertion. As repeatedly noted in the prior office action, simply because Leak et al does not use the same terminology as the recited claims in describing the prior art embossing and lamination process, it does not mean that, the recited process limitation is absent, especially when the resultant articles of both processes are indistinguishable, and especially when Leak et al clearly teaches an embossing pattern being varied/different relative to the lamination pattern in terms of at least one of size, bonding density, bonding area and bonding points arrangement (figures 2-3, figures 7-9 and examples). As for the limitation of avoiding the occurrence of visible blisters in a resultant laminate, such would naturally flow from the process taught by Leak et al in view of the similarity of the production processes.

In response to a declaration made by Mr. L. Squires and Mr. T. Woodbride in numbered paragraph 5, it is unclear where in column 1 of the Leak et al patent, the weight basis of 45 g/m^2 and 23 g/ m^2 for a woven fabric and polyethylene film, respectively were obtained. Moreover, it is also unclear where in column 1 of

the Leak et al patent which suggests a lightweight non-woven is used to overcome *"the disadvantages of such a product"* . In any event, this does not change the fact that, Leak et al clearly teaches an embossing pattern being varied/different relative to the lamination pattern in terms of at least one of size, bonding density, bonding area and bonding points arrangement (figures 2-3, figures 7-9 and examples), where a non-woven web has a weight basis of up to 60 g/m^2. This weight basis falls within the weight basis range of a web recited in the claims.

In response to a declaration in numbered paragraphs 6-7, Counsel is apprised that, a reference is not confined to a working example, but rather should be evaluated of what the reference as a whole would have reasonably conveyed to one in the art. The teachings of Leak et al would have suggested to one in the art that a nonwoven web having a weight basis of up to around 60 g/m^2 is suitable in practicing Leak et al's invention. Moreover, Mr. Squires and Mr. Woodbride appear to be mischaracterizing the teachings of Leak et al. It is suggested for them to point out a passage or passages, which positively suggest(s) that it is preferred to use lightweight materials. In any event, as noted earlier, this does not change the fact that Leak et al clearly teaches using a nonwoven web which has a weight basis of up to 60 g/m^2 (claim 1). Examiner agrees with Mr. Squires and Mr. Woodbride that Leak et al does not attempt to solve the same problem as the present invention. However, the problem solved in the present invention is reasonably expected to flow naturally from the process taught by Leak et al in

view of the similarity of the production processes. Moreover, the fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Chuan C. Yao whose telephone number is (571) 272-1224. The examiner can normally be reached on Monday-Friday with second Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Blaine Copenheaver can be reached on (571) 272-1156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sam Chuan C. Yao
Primary Examiner
Art Unit 1733

Scy
12-20-04